App F IX 4

Previous References

1947-48
Mel)

File No 50-47
Serial Nos 46, 47 & 51

Later References
Pol Dep 247 of 49
Ml 133-50-3
Pol 50-50(16-17)

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for July '48

SUBJECT

Confirmation of the sale of the site in Kalankhatta, Amritsar

---

To The D C Hassan Sh
The Govt Architect
The Comptroller
No L 880-2 Dy 23-7-48
Sanctions. Ltr Confirmation

5934
L

Letter no M1 C 1520/47-48 dt 5-4-48 from the Dy Comm, Hassan Dt, requesting orders of Govt in regard to the sale of a site measuring 130ft by 200ft bdg the Sale of Kallankatte, Arsikere town to Sri Ramachandra Setty for Rs 24,500/- is rendered unwarranted in view of the several irregularities contained in the sale notification as pointed out in his letter or whether the sale has to be confirmed considering the bid amount now secured

1) In ref no L 6330-32/ dtd 20-30-24 dt 31-1-31, sanction was accorded for the acqn of S no 423/3 of Arsikere Kasba for the improvement of Kallanakatte & Sanitation

2) Kind reference is invited to the notes & orders of the Minister for Revenue and Communications flagged "J"

3) As per orders of the Minister for Rev & Communications in flag "J" (Vide last Para) the Dy Comm, Hassan Dt was requested in this office letter no L 10615 dt 7-11-47 that the site on which a cinema building has to be put up may be got properly

P"

5934 £ √ 6464 £

Communicated in consultation with the Assistant Commissioner that the said medal may be instructed to dispose of the same by sale after due Publicity & notice to all Parties Concerned

4) In reply to this, the present reference is made. The sale notification is flagged "Pj"

5) The Law section will also be requested to state whether the sale held and the conditions laid down in the sale notifications are free from legal complications & may be approved

6) Submit for orders

UKG 23/4 7) Please ascertain in the first instance whether the purchaser has paid the bid amount in full and within the prescribed period and what action the Municipal Council have taken on the objections preferred

Pr 25-4-48

8) Submit with a draft letter for appl

10) Letter not issued as further information was received

UKG 27/4 9) Issue Pr 29 April

Letter No Mbl C 1520/47-48 Dt 21-4-48 from the Dy Comm (Hassan Dt, reporting that the purchaser of the land has paid the money in full

11) A revised draft submitted for appl

UKG 29/4

Issued

12) In their letter no L 10615 dated 7.11.1947, Govt directed that the site on which a cinema building has to be put up in Srirampore Town Mly may be demarcated & disposed of by Sale. Action has been accordingly taken. The site measuring 130' × 200' situated by the side of Kallamakatte was disposed of on auction on 9.1.48 and was purchased by one Mr. K Ramachandra Rly (being the highest bidder - for Rs 24,500/-). The Sale amount has been also paid in full. We consider that the amount realized in the Sale is fair & adequate.

13) As the amount realized is above Rs 10000/-, Sanction of Govt is required to the confirmation of the Sale under Sec 38(2) of the Income Tax Act.

14) In connection with the Sale of this site, Mr. M R Puttaswamaya - one of the bidders has raised certain objections especially those relating to the conditions of Sale prescribed in the notification. After examining the genuineness of the Representation Mly,

34/2 6464 6254/Law

D/C has furnished his remarks.

It will be seen that some of the Sale conditions are either unreasonable or illegal or incapable of being acted upto

15) further, the Assistant Commissioner has not furnished its opinion as to whether the Sale held may be confirmed

16) It has however to be presumed that the Sale purchaser was aware of the Sale conditions and has accepted them at the time he bid for the property & he will have to execute an agreement with the M/L binding himself to abide by the conditions of the Sale (vide condition no 8). In this view, it is for consideration if the intervention of Govt is called for & if the Sale held may not be confirmed

If any difficulties arise later on, it is a matter for settlement between the M/L & the Sale purchaser

17) The Law section may however be consulted, in the light of the observations made in the D/C, the Sale is not vitiated in any way & where it may be confirmed under Sec 38 (2) of the Bombay Tenancy & Agricultural Lands Act 1948.

Law Secy (C)

Revenue Secy 1/5/48

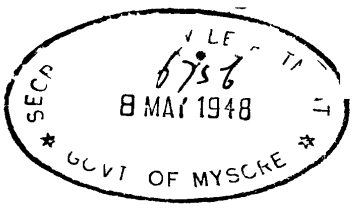
18 3/5/48 Govt

6254/Civ

Default Land in Auction Sale
Mysore Town

19 A Corporation has powers to sell land belonging to it if empowered by statute and the conditions prescribed by statute should be strictly complied with The sale auction has been duly directed by Government in their letter (1 P) As regards the conditions of sale, Cl (3) appears to be improper, as it is the Government that has the power to sanction the amount exceeding Rs 1,000/-

20 Cl (5) requiring the purchaser to construct approach roads appears to have been unnecessary The clause restricting alienation of the site is ultra-vires and unenforceable, Similarly, Cl 7 prohibiting the construction of any other cinema in the vicinity The boundaries are not also mentioned In the circumstances, the conditions appear to be irregular and vitiate the sale



Law Secy) - A/5

21)

A/ on any conditions prescribed for such sales? Please see the previous correspondence on papers circulated

B/ Plans may also be submitted to avoid irregularities

22) Asstt Secy) 8K 10/5 F 10/5

23) A — No conditions applicable in general - to such sales are prescribed anywhere. It will be seen that in this case, the site was specially demarcated

6254/Law 6

in accordance with the orders of Govt,
the other matters being left to the
discretion of the Province Commissioner
They have published the sale notice &
held the sale in conformity with the conditions
~~passed~~ laid down therein. We put above
as whether those conditions are such as could
be acted upto and whether they are illegal
or unreasonable & whether the M&S (Corporation)
could impose such conditions

Q4 Point B - maybe Kindly answered in No
Law Branch

Endorsement may be
Law Br 15/5/48

15/5/48
Subdivision of land for 21 years &
attornment & letter an agreement S 28
affects to be ~~the~~ my power in effecting
the sale in question

15/5/LR

15/5/48
Law Secy)

SECRET YIPL LEGAL
17 MAY 1948
GOVT OF MYSORE

26) If the Corporation cannot be considered as
a statutory corporation it may give valid title to the same
The question of compensation would be whether this sale
has taken place in accordance with the provisions of
the Act or opposed thereto & its purposes

BK
21/5/48

27) Apart from S 64
The "irregularity" does
not appear to be very material

Disposal of Land on Hasiluk Tonon for the Construction of Cinema buildings

General and Revenue Secretariat | File No 6464 of 1947. L | [App F III–2

Serial No

28) Hence the Sale may be confirmed after ascertaining the views of the Executive Council & obtaining a Resolution

Minister L.S.G.

B/L/48

OFFICE OF THE MINISTER FOR LOCAL SELF GOVERNMENT
No 3344
Date

29) No fresh Resolution is necessary the Sale is approved. The irregularities as pointed out by the Law Secretary may be communicated to the Municipality.

12/7/48

30) 2 drafts – I go & another letter – submitted for approval

14/7 15/7/48

31) Please issue the letter. The records may be returned thereafter being returned with the letter – disposing of the appeal of the 1st petitioner

16/7

Read 19/7

NOTE—Contn Sheet

6464/1

ML File No 50 of 1947

General and Revenue Secretariat

Serial No 47

To The Dy Commr, Hassandc,
The Govt Architect
The Comptroller
No L 880-2 dt 23-7-48
Sanctions the confirmation of the sale of the Land
Resubmitted after issue as directed in Para 31 supra
The draft letter to the D C Hassandc is submitted for orders

28/7 Rr 28/7/48

Rwsekera 31/7/48
for perusal before issue

Member L.S.G. 2/8/48

Re 15/8/48

OFFICE OF THE MINISTER FOR LOCAL SELF GOVERNMENT
No 718
Date 6 AUG 48

17/8
Issue for 17/8/48
S

To The Dy Commr, Hassan
No L 1910 dt 28 July 48
Issues instructions in the matter

B 3/9

OFFICE OF THE DEPUTY COMMISSIONER,
HASSAN DISTRICT,

No Ml C 1520/47-48 DATED, HASSAN THE ~~3RD~~ 5th APRIL, ~~1948~~

Encl/Receipt wd Plan
Copy plan

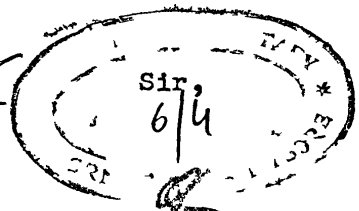
From

The Deputy Commissioner,
Hassan District

To

The Secretary to Government,
Revenue Department,
Bangalore

6/4/48



Sir,

Re the disposal of land in Arsikere Town for the construction of Cinema buildings at the place

---

Adverting to letter No L 10615 dated 7-11-1947 of the Revenue Secretary to Government directing that the site on which a cinema building has to be put up may be demarcated and disposed of by sale etc , I have the honour to state that the President of Arsikere Municipality was requested to take further action as per instructions of Government A sale notification was issued from the Municipality on 20-12-47 and widely published The site marked in the enclosed plan prepared by the Government Architect measuring 130'x200' by the side of Kallanakatte was disposed of in auction on 9-1-48 and Mr K Ramachandra Setty is the highest bidder for Rs 24,500/-

Mr M R Puttaswamiaya gave a petition to this office on 13-1-1948 stating that he gave a petition to the incharge President at the time of sale requesting for certain clarification of the conditions mentioned in the sale notification and that no reply was given to him on the points etc The President was requested to furnish his replies to the several objections raised in the petition and to send the connected records The following are some of the salient points raised by Mr Puttaswamaiya in his petition

1 The land disposed of for cinema building was acquired for the purpose of improving Kallanakatte and sanitation of Arsikere Town and that this object is ~~xxxx~~ frustrated The acquisition of this land for the said purpose has been sanctioned by Government in their order No L 6330-32/Ml 20-30-24 dated 31-1-1931 No remarks have been furnished by the President on this point

"O"

2 In para 3 of the sale Notification it is mentioned that the sale is subject to confirmation by the Municipality Under section 38(2) of the Town Municipal Act sanction of Government is necessary wher the purchase amount exceeds Rs 1000/-. This condition should have been properly worded Further the sale purchaser is not allowed to transfer the land without the permission of the President As the land is purchased in public auction the enforcement of condition of constructing a cinema building would have been sufficient

3 In para 5 of the sale Notification a condition is laid down that the sale purchaser should construct approach roads and latrine near bus stand at his own cost This condition is objected to on grounds of ~~xxxx~~ equity and reason since the land is purchased in public auction and not for any upset price.

4 Para 7 It is stated that the Municipal Council shall not permit for a period of 3 years from the date of issue of sale certificate the construction of any other cinema building at the place The Municipal Council is not competent to impose this condition Arsikere is a flourishing town having a population of about 10,000 and it cannot fetter the powers of the Deputy Commissioner and the Government to permit more cinema buildings if they consider necessary One Mr Shivaji Rao of Arsikere has given a petition to Government which has been received with Revenue Secretary's letter No L 13076/R dated 3-2-48 for report praying for the renewal of the license granted to him for the construction of a cinema theatre The report called for from the President in this matter has not been received It is

It is for kind consideration of Government whether to allow this condition or not

5 In para 1 of the sale notification it is stated that the land to be disposed of is specified in the schedule attached thereto According to schedule this site is said to measure 130'x200' The note to this schedule indicates that a space of 30 feet has to be allowed towards north for the raod if 200' is given towards railway fencing or otherwise a space of 30 feet has to be allowed towards railway fencing and that this is subject to the approval of Town planning officer A reference was made in this matter by the Municipality and the Government Architect has intimated in his letter No 1965 dated 10-1-1948 that it is preferable to adhere to the lay-out already given and the proposal of the Municipal Council has not been approved This note appears to be a material defect in sales in as much as the land to be disposed of is indefinite and it is subjected to further approval

The President has not intimated whether the sale amount has been paid in full by the purchaser and this information has been called for The bid amount now secured is fair and adequate

In the above circumstances, it is for kind orders of Government as to whether the sale is rendered invalid by the irregularities referred to or whether the sale has to be confirmed considering the bid amount now secured So far as the amount realised in the sale is concerned, I think, from the enquiries made, it is fair and adequate

The connected records are enclosed

I have the honour to be,
S i r,
Your most obedient servant,

Deputy Commissioner,
Hassan District

ml 50-47-46 6862/R 26/4

OFFICE OF THE DEPUTY COMMISSIONER,
HASSAN DISTRICT,

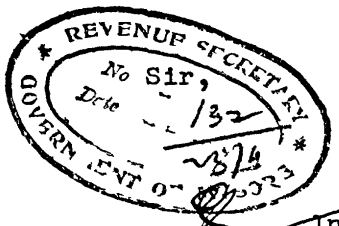
No Ml C 1520/47-48 DATED, HASSAN THE 21st APRIL 1948 3

From

The Deputy Commissioner,
Hassan District

To

The Secretary to Government,
Revenue Department,
Bangalore.



Re the disposal of land in Arsikere Town for the construction of cinema buildings at the place

---

In continuation of this office letter No Ml C 1520/47-8 re the sale of land in Arsikere Town for the construction of cinema buildings at the place, I have the honour to state that the Municipal President has intimated that the sale amount of Rs 24,500/- has been received on the dates noted below -

10-1-48		1,000-0-0
12-1-48		7,200-0-0
20-1-48		16,300-0-0
	Total	Rs 24,500-0-0

(The enquiry proposed to be made may be held up)

I have the honour to be,
S i r,
Your most obedient servant,

Deputy Commissioner,
Hassan District
Absent from Head quarters

G R S App F VI—G 2]

SUBJECT

Draft 1

4 copies

Diary No of letter replied to 6464

Section ml

File No 50-47

Serial No 47

General and Revenue Secretariat

( )

the 194

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue 23-7-48 194 "P"

Signed by Sri Prasad

Read—Letter no L10615 Dy 7-11-47 to the Dy Commr, Hassan Dt, directing that the ~~Land on which~~ Comprised in the Kallankatte tank area in the Arsikere town, on which a Cinema building is proposed ~~has~~ to be put up may be got properly demarcated in consultation with the Arsikere Town and that the said ml may be instructed to dispose of the same by sale after due Publicity & notice to all the parties interested.

~~Order thereon No.~~

(2) Correspondence ending with

May this be—

(i) printed ?

(ii) treated as a Standing Order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the Press ?

(vi) published in the Gazette Kannada Part ?

letter No Mi C 1520/47-48 Dy 21-4-48

from the Dy Commr, Hassan Dt, taking action

stating that after doing the needful in accordance with

the instructions issued in the

letter referred to above a site

measuring 130ft by 200ft by

the side of Kalleankatte was sold

in public auction on 9-1-48 & that

Sri Kiranachandra selfi who purchased

the same for Rs 24,500/- and has paid the

bid amount together with

paid in full, the earnest money,

and Soliciting requesting orders, as to whether

the sale is rendered invalid

by the non-observance of certain conditions

in the sale notification or whether

the sale has to be confirmed Considering

the bid amount now secured

List of Enclosures

8

Order No I 880 — 2

Copied by 23-7-48

The sale in question is confirmed

Examined by

under Section 38(2) of the Mysore Town Improvement Act 1933

for

for secy to Govt

To The D.C Hassan Dt

The Govt Architect

The Comptroller

WD 04160—GPB—60 000—23 10 41

Mis Rev Deptt

Bdl 5 7-48 1

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read:-

Letter No. L. 10615 dated 7th November 1947 to the Deputy Commissioner, Hassan District, directing that the land comprised in the Kallankatte tank area in the Arsikere Town, on which a Cinema building is proposed to be put up may be got properly demarcated in consultation with the Arsikere Town Municipal Council and that the said Municipal Council may be instructed to dispose of the same by sale after due publicity and notice to all the parties interested.

2. Correspondence ending with letter No. M1.C.1520/47-48 dated 21st April 1948 from the Deputy Commissioner, Hassan District, stating that after taking action in accordance with the instructions issued in the letter referred to above, a site measuring 100 ft. by 200 ft. by the side of Kallankatte was sold in public auction on 9-1-1948 and that Sri K.Ramachandra Setty who purchased the same for Rs 24,500/- has paid the bid amount in full and soliciting orders regarding the confirmation of the sale.~~xx xx xxxxxxx~~

ORDER No. L. 880-2/Onh 50-47-47

Dated, Bangalore, the 23 July 1948.

The sale in question is confirmed under Section 38(2) of the Mysore Town Municipalities Act 1933.

for Secretary to Government,
Revenue Department.

To

The Deputy Commissioner, Hassan District.
The Government Architect.
The Comptroller to Government.

Tvr.4. 8/c

G R S App F VI—G 2]

SUBJECT

Draft 1

4 copies

Diary No of letter replied to 6464

General and Revenue Secretariat

( )

the *194*

Section ml

File No 50-47

Serial No 47

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue 23-7-48 194 "P"

Signed by Sri Prasad

Read—Letter no L10615 dy 7-11-47 to the Dy Commr, Hassan Dt, directing that the ~~Land on which~~ Comprised in the Kallankatte tank area in the Arsikere town, on which a Cinema building ~~has~~ is proposed to be put up may be got properly demarcated in consultation with the Arsikere Town mnl cl & that the said mnl cl may be instructed to dispose of the same by sale after due Publicity & notice to all the parties interested

~~Order thereon—No.~~

(2) Correspondence ending with

May this be—

(i) printed ?

(ii) treated as a Standing Order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the Press ?

(vi) published in the Gazette Kannada Part ?

5

letter No Mbl C 1520/47-48 dy 21-4-48
from the Dy Commr, Hassan Dt,
stating that after doing the needful in accordance with
the instructions issued in the
letter referred to above a site
measuring 130ft by 200ft by
the side of Kallankatte was sold
in public auction on 9-1-48 that
Sri Kiranachandra selfi who purchased
the same for Rs 24,500/- and has paid the
bid amount ~~together with~~
~~paid~~ in full, ~~the~~ ~~remarks~~
~~and the~~ ~~making~~ ~~proposal~~
and requesting orders, as to whether
the sale is rendered invalid
by the imposition of certain conditions
in the sale notification or whether
the sale has to be confirmed considering
the bid amount now secured

Taking action

Soliciting regarding to Confirmation of the Sale

List of Enclosures

Order No L 880 — 2

Copied by 23-7-48

The sale in question is confirmed
Examined by
under Section 38(2) of the Mysore Town Metres Act 1933

for

for secy to Govt

WD 04162 GPB—60 000—23 10 41

To The D C Hassan Dt
The Govt Archivist
The Comptroller

Mr Rao Deptt

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read:-

Letter No. L. 10615 dated 7th November 1947 to the Deputy Commissioner, Hassan District, directing that the land comprised in the Kallankatte tank area in the Arsikere Town, on which a Cinema building is proposed to be put up may be got properly demarcated in consultation with the Arsikere Town Municipal Council and that the said Municipal Council may be instructed to dispose of the same by sale after due publicity and notice to all the parties interested.

2. Correspondence ending with letter No. M1.C.1520/47-48 dated 21st April 1948 from the Deputy Commissioner, Hassan District, stating that after taking action in accordance with the instructions issued in the letter referred to above, a site measuring 100 ft. by 200 ft. by the side of Kallankatte was sold in public auction on 9-1-1948 and that Sri K.Ramachandra Setty who purchased the same for Rs 24,500/- has paid the bid amount in full and soliciting orders regarding the confirmation of the sale.~~xx xx xxxxxxx~~

ORDER No. L. 880-2/Mh 50-47-47

Dated, Bangalore, the 23 July 1948.

The sale in question is confirmed under Section 38(2) of the Mysore Town Municipalities Act 1933.

for Secretary to Government,
Revenue Department.

To

The Deputy Commissioner, Hassan District.
The Government Architect.
The Comptroller to Government.

Tvr.4. 8/7

Draft II ~~Regd A/D Draft Hyper~~ (7)

To

The Dy Commr. Hassan Dt, L 7910/ml 50-47-51 28/8/48

Sir,

In continuation of govt L page-2 /ml 50-47-47 dy 23/7/48 conforming the sale of a site comprised in the Kallankatte tank area in Arsikere town, I am directed to state that cl (3) of the sale notification is improper, as it is the Govt that has the power to sanction the confirmation of sales when the amount exceeding Rs 1000/- Cl (5) requiring the Purchaser to construct roads at his cost is unnecessary. The clause restricting alienation of the site is ultra-vires and unenforceable; Similarly, cl (7) prohibiting the construction of any other cinema in the vicinity. I am to request that the above observations may be brought intimated

8

To the Assistant Town Clerk, so that the inclusion of such objectionable Conditions in Sale Re-titles may be avoided

The records accompany

Thanks etc

[signature]
2/8/1906

For Secy to Court

Ulks Rev Septk

Pr 15-Dec

Notes —— 8 Pages
Corrected. —— 8 Pages.